

**DECLARATION OF RENZO MACCHIAVELLO**

I, Renzo Macchiavello, hereby state and declare as follows:

1. I am over the age of 18 and competent to testify as to the following facts which are of my own personal knowledge. I would testify to the following if asked to do so by any court of law. I am a defendant in this civil action, specifically the case of Innovative Sports Management, Inc. vs. Renzo Macchiavello and Macchiavello, LLC d/b/a Renzo's Taste of Peru, Case No. 8:12-cv-01748-TJH-PLA, filed in the United States District Court for the Central District of California. I understand that this declaration will be submitted to this federal court regarding this case. I further understand that this declaration (or affidavit) is being submitted under the penalty of perjury, meaning that it would be a crime punishable by imprisonment to say something that is not true.

2. I believe that I have a defense to plaintiff Innovative Sports Management, Inc.'s complaint filed herein for the following reasons: The signal for the subject TV program in this case (Peru v. Chile soccer game on October 11, 2011) came from the internet. More specifically, an employee by the name of Alejandro Lengua connected a computer to the TV and the soccer match in question was available through his subscription to JustinTv. In other words, there was no theft or interception of a satellite or cable signal, rather the signal was available over the internet and received through that means. Additionally, there is a business entity Macchiavello, LLC that was the owner of the business at the time in question so there certainly should be no individual liability on my part.

3. I never had an intent to profit by showing this soccer game at Renzo's Taste of Peru, nor was there any profit attributable to viewing the program. Rather, it was for the personal enjoyment of myself and employees. During the time that the event in question was displayed on the TV there was only a handful of people at the café. There was no cover charge being charged at the time in question and no advertising that

the program was going to be shown at Renzo's Taste of Peru. There was also only one television displaying the program, which was hooked up to the laptop computer. The amount of sales during the time in question was also extremely small, specifically with cash sales for the entire day in question totaling \$291.75.

4. Based upon the above-described reasons (among others detailed in the motion for judgment on the pleadings regarding the plaintiff's license agreement) I do not believe that I should be liable for anything in this case. If for some reason I am found liable, however, I also understand that the plaintiff is requesting enhanced statutory damages and punitive damages against me and that certainly should not be awarded as there was no intentional or willful wrongdoing at all. Furthermore, I am certainly not a repeat offender in terms of stealing multiple events on TV. I have been informed and believe that these are the types of factors that might cause a court to award enhanced damages or punitive damages as the plaintiff is requesting in this case and can affect the amount of statutory damages awarded in this type of lawsuit.

5. For all of these above-mentioned reasons I believe that I have a good defense in this lawsuit and request that summary judgment be entered in my favor.

Respectfully submitted,

I, Renzo Macchiavello, hereby declare under penalty of perjury under the laws of the State of California and the laws of the United States of America that the foregoing is true and correct to the best of my own personal knowledge on the 18 day of February 2014, in February, California.

By:

  
Renzo Macchiavello  
Declarant